

**TOWN OF DAVIE
REGULAR MEETING
SEPTEMBER 19, 2007**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:15 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Caletka, and Councilmembers Crowley, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson and Town Clerk Muniz recording the meeting.

Mayor Truex announced that item 3.24 needed to be added

Vice-Mayor Caletka made a motion, seconded by Mayor Truex, to add item 3.24. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex asked to add an item to New Business regarding the Open Space Advisory Committee. In a voice vote, Council agreed to add item 8.2.

Vice-Mayor Caletka recommended moving up items 8.1 and 8.2.

Vice-Mayor Caletka advised that at the last Council meeting, Council discussed adding the Davie Town Center to the agenda. Mayor Truex stated that the representatives were not able to attend tonight's meeting and had requested to attend another meeting. Vice-Mayor Caletka indicated that he had notified the surrounding residents of tonight's meeting. Mayor Truex suggested that this item be tabled.

Vice-Mayor Caletka made a motion to add the Davie Town Center discussion as item 8.3. In a voice vote, all voted in favor. (Motion carried 5-0)

3. APPROVAL OF CONSENT AGENDA

Minutes

- 3.1 August 1, 2007 (Regular Meeting)
- 3.2 August 9, 2007 (Budget Workshop)
- 3.3 August 9, 2007 (Special Meeting)

Business Tax Receipt

- 3.4 Broadmarket, Inc., 1480 SW 153 Way

Resolutions

- 3.5 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE
R-2007-255 BID AWARDED BY THE CITY OF JACKSONVILLE, FLORIDA, BID NO. SC-0511-06 FOR SUPPLYING PLAYGROUND EQUIPMENT FOR "MATH IGLER PARK" TO CONTRACT CONNECTION, INC. (\$60,918.40) (tabled from August 15, 2007)
- 3.6 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST TO WAIVE THE SCENIC CORRIDOR BUFFER REQUIREMENT AS PER THE LAND DEVELOPMENT CODE, CHAPTER 12, SECTION 12-282, AND PROVIDING AN EFFECTIVE DATE. (DG 7-3-07, Vista View Park Expansion, 4001 SW 142 Avenue) (tabled from September 5, 2007) [See related items 3.23 and 5.5]

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- 3.7
R-2007-256 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR THE "MASONRY WALLS AT THE POLICE AND FIRE MEMORIAL." (\$39,949) (Seldin Construction Company)
- 3.8
R-2007-257 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID AWARDED BY THE STATE OF FLORIDA CONTRACT NUMBER 515-630-06-1 FOR LAWN EQUIPMENT. (\$32,995)
- 3.9
R-2007-258 **BID EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE BID BETWEEN THE TOWN AND ACTION FENCE CORPORATION FOR CHAIN LINK FENCE REPAIR AND INSTALLATION SERVICES AND LITTLE CRITTERS CORRAL FOR FIELD FENCING REPAIR AND INSTALLATION. (cost dependent on need)
- 3.10
R-2007-259 **BID EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE BID BETWEEN THE TOWN AND SPORTS TURF ATHLETIC FACILITIES & SERVICES, LLC FOR BALL FIELD WEED CONTROL SERVICES. (\$56,379.80)
- 3.11
R-2007-260 **AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE TOWN OF DAVIE MONEY PURCHASE PLAN AND PROVIDING AN EFFECTIVE DATE.
- 3.12
R-2007-261 **AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE TOWN OF DAVIE MONEY PURCHASE PLAN - B, AND PROVIDING AN EFFECTIVE DATE.
- 3.13
R-2007-262 **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF CPZ ARCHITECT, INC. TO PROVIDE ARCHITECTURAL SERVICES FOR FIRE STATIONS 86 AND 68 AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 3.14
R-2007-263 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY FOR VARIOUS DISASTER RECOVERY PROGRAMS AND INITIATIVES DESCRIBED HEREIN TOTALING \$3,309,741, FUNDED WITH 2005 CDBG DISASTER RECOVERY FUNDS.
- 3.15
R-2007-264 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH AMERICAN APPRAISAL ASSOCIATES, INC. FOR ASSET VALUATION SERVICES FOR GASB 34 COMPLIANCE. (\$67,250)

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- 3.16
R-2007-265 **CONTRACT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING THE TERMS FOR USE OF PURCHASING CARDS AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SUNTRUST BANKCARD, N.A.
- 3.17
R-2007-266 **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #2 WITH CPZ ARCHITECT, INC. FOR ADDITIONAL SERVICES FOR CONSTRUCTION ADMINISTRATION OF THE FIRE AND PUBLIC WORKS ADMINISTRATION BUILDING AS DESCRIBED IN THE ATTACHED CHANGE ORDER. (\$17,550)
- 3.18
R-2007-267 **REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA REQUESTING THAT THE UNIVERSITY OF FLORIDA CHANGE ALL SIGNAGE AND ANY ADVERTISEMENTS OR PUBLICATIONS THAT DEPICT ITS CAMPUS WITHIN THE TOWN OF DAVIE TO CONTAIN "DAVIE" IN ITS MAILING ADDRESS; AND PROVIDING FOR AN EFFECTIVE DATE.
- 3.19
R-2007-268 **REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA REQUESTING THE BROWARD COUNTY COMMISSION CONTINUE TO APPROPRIATE FUNDING FOR THE NOVA SOUTHEASTERN UNIVERSITY ALVIN SHERMAN LIBRARY, RESEARCH AND INFORMATION TECHNOLOGY CENTER; AND PROVIDING FOR AN EFFECTIVE DATE.

Temporary Use Permits

- 3.20 TU 7-1-07, NSU Shark Shuffle 5-K Run/Walk, 3301 College Avenue
3.21 TU 8-1-07, St. Bonaventure Catholic Church, 1301 SW 136 Avenue (family festival)

Quasi-Judicial Consent Agenda

- 3.22 SPM 11-6-05, Weston Nissan-Volvo Dealership, 3650 - 3660 Weston Road (BP) (tabled from September 5, 2007) *Site Plan Committee recommended to approve subject to the following conditions: 1) with regard to staff's recommendation number one, that it be deleted; 2) that staff's recommendation number two, in lieu of the trees being planted, the applicant shall pay the Town the actual cost they were going to spend on that requirement and pay it at the time of building permit issuance, and the Town would be able to use that money at its discretion for planting elsewhere in the Town; 3) that the applicant has agreed to staff's recommendation number three; and 4) the applicant has agreed to the modification of lighting levels in the new parking lot area only not to exceed 25-foot candles in any parking space area unless it abuts a light pole*

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- 3.23 MSP 10-1-06, Broward County Vista View Park Expansion, 4001 SW 142 Avenue (RS) *Site Plan Committee recommended to approve subject to the Council's approval of the waiver request on the Orange Drive Scenic Corridor with the exceptions as noted: 1) that the Committee does not approve the landscape plan on Orange Drive and requests that the plan come back to the Committee with revisions as they believe it to be an inadequate buffer that is inconsistent with similar buffers on Orange Drive; 2) the Committee does not approve the architecture of the buildings as presented and requests that they be revised and resubmitted back to the Committee for approval; and 3) the Committee requests that the applicant provide connectivity on Orange Drive from the existing sidewalk which terminates at Riverstone subdivision, running down Orange Drive and connecting in with the existing path/trail on the south side of Orange Drive adjacent to the proposed horse trail/event parking driveway [See related items 3.6 and 5.5]*

Item to be added

- 3.24 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING THE
R-2007-269 AGREEMENT BETWEEN THE TOWN OF DAVIE AND DAVIE TRAVEL CENTER INC./1-15 HARTSDALE AVENUE CORPORATION AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND PROVIDING FOR AN AFFECTIVE DATE.

Vice-Mayor Caletka pulled items 3.5, 3.6, 3.23 and 3.24 from the Consent Agenda. Councilmember Crowley pulled items 3.13 and 3.17. Councilmember Starkey pulled items 3.1 and 3.2. Mayor Truex pulled item 3.22.

Vice-Mayor Caletka made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda, less items 3.1, 3.2, 3.5, 3.6, 3.13, 3.17, 3.22, 3.23 and 3.24. In a voice vote, all voted in favor. (Motion carried 5-0)

4. DISCUSSION OF CONSENT AGENDA ITEMS

3.1 Councilmember Starkey advised that on page 22, line three under disclosures, it should indicate contacted by a Pompano commissioner. She advised that she had still not received a report on the parcels that were requested at the meeting.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the minutes as amended. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Shimun indicated that he had a memo regarding the parcels he would forward to Council.

3.2 Councilmember Starkey indicated that she had some corrections for these minutes and wanted to listen to the tape.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table to October 3, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

3.5 Vice-Mayor Caletka wanted to put this out to bid and added that by going through the company in Jacksonville, they were preventing local companies from bidding on it. Councilmember Starkey responded the company had a local vendor.

Councilmember Starkey wanted to know why this had taken so long to come forward. Public Works Director Manny Diez said this was a local vendor who had done many local playgrounds and

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explained they were piggybacking the City of Jacksonville bid. Mr. Diez said that staff was trying to get this project moving now and this was one way they could save some time.

Councilmember Starkey made a motion, seconded by Luis, to approve. In a voice vote, with Mayor Truex and Vice-Mayor Caletka dissenting, all voted in favor. (Motion carried 3-2)

3.6 Councilmember Luis stated that he had spoken to Broward County Vice Mayor Lois Wexler, who suggested that Council table this item and return it to the Site Plan Committee to work out.

Councilmember Starkey did not want to allow the County to degrade the scenic buffer. She said the Site Plan Committee had been concerned about the scenic corridor and this was a policy decision they would defer to Council.

Councilmember Luis agreed and was willing to give a lot up. He reiterated his wish to return it to the Site Plan Committee.

Mr. Peralta advised that he had spoken with Vice Mayor Wexler, who recommended they meet again to negotiate. He stated that the fence became an issue regarding the County's ability to maintain control of the park, keep the park clean, and also concerned liability issues.

Mr. Rayson said the Council had the ability to send this back to the Site Plan Committee.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to table this and to return it to the Site Plan Committee. Discussion followed regarding when this could be put back on the Council's agenda. Councilmember Luis agreed this would be put on the next possible agenda after the Site Plan Committee meeting.

Councilmember Starkey said the negotiation should include her wish to maintain this buffer without its being fenced in, and a sidewalk to go all the way around to connect Imagination Farms and Riverstone.

3.23 Councilmember Luis made a motion, seconded by Councilmember Starkey, to table 3.23.

Town Clerk Muniz clarified that this motion included the same conditions as the motion for item 3.6.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion passed 5-0)

3.17 Councilmember Crowley asked if the change orders were necessitated by an oversight by the Town or the contractor. Staff explained that the change order was for additional contractor services, to compensate the consultant for the additional construction time. Delays had been caused by Town issues, site issues and contractor issues.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

3.13 Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to approve.

Mr. Diez explained to Vice-Mayor Caletka how the five finalists had been selected for this bid.

Councilmember Starkey stated that the company needed to be instructed that they must be consistent with the bond issue proposal's language. Mr. Diez clarified that Councilmember Starkey wanted an architectural design that would be suited for the current site, but could also be moved to another site.

Assistant Town Administrator Ken Cohen said that staff had concluded that the Town must either demolish the existing station or purchase additional property at the site. They had determined that the cost of purchasing additional property was so outrageous that it was not a feasible option. Mr.

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Cohen stated that the bond language did not specify sites for stations, it only specified an east station, a west station and a replacement station. He indicated that staff had planned to use the same design for all sites to save money, but had needed a larger station on the east side.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

3.22 Mr. Rayson swore in the witnesses. Acting Planning & Zoning Deputy Manager David Abramson summarized the planning report.

Dennis Mele, representing the applicant, advised that they proposed to construct a dry retention area on the east side of I-75 to connect to their site. They would work around and preserve the archaeological area. Mr. Mele said they intended to write a check to the Town in place of planting the trees suggested by the Site Plan Committee because planting them where the Committee suggested seemed unworkable. He stated that staff had also recommended a declaration of restrictive covenants limiting the property's use, but since the property required a Central Broward Water Control District easement, the Committee agreed the covenants were not necessary. Mr. Mele explained how the applicant had addressed the lighting in the parking area.

Councilmember Starkey felt more lighting was needed over the bridge. Mr. Mele said that the bridge was a Broward County traffic-way over an interstate highway, so the jurisdiction was either Broward County or the Florida Department of Transportation.

Mr. Rayson opened the public hearing portion of the meeting.

Judy Paul stated that the project should move forward, since the applicant had the open space and retention area.

Mark Waggenheim said this was a wonderful idea. He advised that his development had not been noticed about this issue and asked that they receive notice in the future for any projects which would affect them.

Mr. Rayson closed the public hearing.

Council disclosed communications they had regarding this item.

Mr. Mele explained why the deed restriction was not needed. While there may not appear to be a current need for a deed restriction, Mayor Truex noted there would be very little harm in it and it would ensure the Town's control. He wanted a covenant to specify the land could only be used for retention, conservation easement, or one-acre single-family homes.

Vice-Mayor Caletka made a motion, seconded by Mayor Truex, to approve the application with the acceptance of the check for the landscaping and also accepting staff recommendations number three, the adjustment of the bridle path, and number four, removal of the exotic species. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion passed 5-0)

3.24 Neil Kalis, representing the Davie Travel Center, reminded Council of their discussions in August regarding the tolling agreement. Council had extended the tolling agreement to October 3rd to allow him time to investigate and report back. Mr. Kalis provided information indicating that there was no third, disinterested party involved "as it was the same people."

Mr. Kalis requested that the Council pass the resolution extending the tolling agreement to September 1, 2008. Mr. Shimun had no objection to this request.

Vice-Mayor Caletka made a motion, seconded by Councilmember Luis, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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5. PUBLIC HEARING

Resolution (Final Hearing to be held October 3, 2007)

- 5.1 **DEVELOPERS AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO A CAMPUS DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE UNIVERSITY OF FLORIDA BOARD OF TRUSTEES; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (Resolution R-2007-250 approved by Council on September 5, 2007)

Mr. Rayson read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Ms. Nolan advised that staff had advertised this item for a second public hearing at the October 3rd meeting but clarified that this was the final public hearing for this item.

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion passed 5-0)

Ordinances - Second and Final Reading

- 5.2 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, PLANNING AND DEVELOPMENT, ARTICLE X, REZONINGS, SPECIAL PERMITS, VARIANCES AND VACATIONS OR ABANDONMENT OF RIGHTS-OF-WAY, DIVISION 2, TO INCLUDE APPLICANTS ABLE TO AMEND THE LAND DEVELOPMENT CODE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Local Planning Agency recommended to approve subject to the revisions* {**Approved on First Reading September 5, 2007. All voted in favor, Councilmember Luis absent**}

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve.

Councilmember Starkey noted a typographical error and suggested editing the last line, number four, to read, "Any member of the public may request a text amendment consistent with the criteria of 12-307.1 and following the process described in 12-307.2." She also recommended eliminating a redundancy in the last paragraph. Ms. Nolan agreed.

Councilmember Crowley and Mayor Truex agreed to amend their motion to include Councilmember Starkey's recommendations.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion passed 5-0)

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5.3
R-2007-28 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE, FLORIDA CODE OF ORDINANCES BY SPECIFICALLY AMENDING CHAPTER 12, SECTION 12-292 ENTITLED "STREET STANDARDS" BY AMENDING SECTION 12-292 (D) TO PROVIDE FOR A PROCEDURE TO OBTAIN APPROVAL FOR EXISTING NONCONFORMING VEHICULAR ACCESSWAYS; BY CREATING A DEFINITION FOR "EXISTING NONCONFORMING VEHICULAR ACCESSWAYS" TO BE INCLUDED IN CHAPTER 12, SECTION 12-503, DEFINITIONS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Local Planning Agency recommended that this should be provided for by a variance request and determined on a case by case basis* {**Approved on First Reading September 5, 2007, subject to the original town staff's recommendations with the exception of #9 being eliminated and #10 becoming #9 including the language to say "unless waived by the Town Council" and the affected resident shall submit to the Town Council through its designee, a petition request upon the form to be provided by the Town and notice provided to the affected residents on that street. All voted in favor - Councilmember Luis absent**}**

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Don Lunny, representing the applicant, urged Council to adopt the ordinance.

Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve.

Councilmember Starkey wanted to be sure the language was clear enough in indicating that it was only residents of the street who were considered the affected parties. Mr. Lunny and Development Services Director Mark Kutney felt it was sufficiently clear. Code Compliance Official Danny Stallone advised that Sections A and B would cover this issue. Mr. Kutney suggested adding: "properties served by the vehicular accessway" in paragraph 4. Councilmember Crowley agreed to this addition.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion passed 5-0)

5.4
2007-29 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 4-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-9 (COUNTY) AND M-4 (COUNTY) DISTRICTS TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 4-1-07, Sharpe Project Development/SCI Funeral Services of Florida, Inc., 2401 SW 64 Avenue) *Planning and Zoning Board recommended approval* {**Approved on First Reading September 5, 2007, subject to the conditions of obtaining sufficient right-of-way for a turn lane and land sufficient for FPL to move the pole; contribution towards the cost of construction based on their fair share; to increase the landscaping; and the staff's recommendations**}**

Mr. Rayson read the ordinance by title.

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Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Mr. Abramson presented information pursuant to the right-of-way issues that were discussed at the previous meeting. He noted that the applicant had agreed to provide a warranty deed for the additional right-of-way for a right turn lane. Mr. Abramson described the trips that would be generated by the business and the applicant's contribution to the turning lane construction would be approximately \$2,000. An unknown man confirmed that the applicant agreed to pay this.

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to approve including acceptance of the applicant's contribution toward the future construction of the turn lane, and acceptance of the deed made out to the Town for the right-of-way.

Mayor Truex asked that the money be put into the local roadway fund. Vice-Mayor Caletka and the applicant agreed to include this.

Vice-Mayor Caletka said his motion included all of the items to which the applicant had agreed previously, and staff recommendations.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion passed 5-0)

Ordinances - First Reading/Quasi-Judicial Items (Second and Final Reading to be held October 3, 2007)

- 5.5 **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION APPLICATION VA 7-1-07 "VISTA VIEW PARK" VACATING PORTIONS OF RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 7-1-07, Vista View Park, 4001 SW 142 Avenue) (tabled from September 5, 2007) *Planning and Zoning Board recommended approval [See related items 3.6 and 3.23]*

Earlier in the meeting, Councilmember Luis made a motion, seconded by Mayor Truex, to table to October 3, 2007. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion passed 5-0)

- 5.6 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-1-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO RO, RESIDENTIAL OFFICE DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-06, Miller Legg and Associates/Easy Home of Davie, LLC, 5655 SW 64 Avenue) (tabled from July 26, 2007) *Planning and Zoning Board recommended denial.*

Earlier in the meeting, Mr. Rayson read the ordinance by title and swore in the witnesses. Mayor Truex announced that a public hearing would be held on this item at the October 3, 2007 meeting.

Acting Planning and Zoning Manager Marcie Nolan summarized the staff report.

Ms. Nolan confirmed that this was a rezoning application only. She explained that any site plan shown this evening had not been reviewed by staff or the Site Plan Committee and must go through its own approval process. Dennis Mele, representing the applicant, acknowledged they must return at a later date for site plan approval.

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Mr. Mele gave a presentation describing the request and explained that the Code listed specific zoning that was used to implement land-use categories. He noted that in this case, there was only one zoning district to implement this land-use category: Residential/Office District. Mr. Mele referred to case law he felt was applicable and said that this case determined that when someone applied for a zoning district, the applicant should get a zoning district that was consistent with the Comprehensive Plan.

Mr. Rayson opened the public hearing portion of the meeting.

William Clayton said, "This has gone on to the point where all of my neighbors have given up on this situation" and indicated that only three neighbors had met with Mr. Mele. Mr. Clayton stated that whatever zoning was permitted on this parcel would set the standard for the entire section of Davie Road between Griffin and Stirling Roads. He was concerned about traffic issues, stating there were already times when there was a backup on Stirling Road trying to access Davie Road. Mr. Mele referred to a list of people who attended the two citizen participation meetings and counted five attendees from the first, and seven from the second.

Mr. Rayson closed the public hearing.

Council disclosed communications they had regarding this item.

Mr. Kutney confirmed for Councilmember Crowley that the applicant would be required to hold citizen participation meetings for the site plan.

Mr. Rayson confirmed that according to staff, the RO zoning was the zoning category consistent with this land-use.

Mayor Truex re-opened the public hearing.

Mr. Clayton did not believe seven citizens attended Mr. Mele's last citizen participation meeting. Mr. Clayton said they had seen plans that were "absolutely unreasonable: two-story buildings on top of parking lots."

Mayor Truex closed the public hearing.

Mayor Truex reminded Mr. Clayton and his neighbors to attend the public hearings and citizen participation meetings for the site plan, and assured him that nothing had been approved as yet. Mr. Clayton submitted into evidence signs posted on the property advising of the hearings.

Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve the rezoning. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion passed 5-0)

6. APPOINTMENTS

6.1 Mayor Truex

6.1.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

6.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

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6.2 Councilmember Crowley

- 6.2.1 Budget Advisory Board (one exclusive appointment - term expires April 2008) (members shall have experience in financial related occupation or similar skills)

No appointment was made.

- 6.2.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

6.3 Councilmember Starkey

- 6.3.1 Airport Advisory Board (one exclusive appointment - terms expire December 2007)

No appointment was made.

- 6.3.2 Mobile Home Task Force (one exclusive appointment - representing a mobile home park owner/manager)

No appointment was made.

6.4 Councilmember Luis

- 6.4.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

- 6.5 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

7. OLD BUSINESS

There was no old business to be discussed.

8. NEW BUSINESS

8.1 Davie Police Athletic League - Vice-Mayor Caletka

Earlier in the meeting, Vice-Mayor Caletka stated that the PAL provided essential services in his district and he felt they had been forgotten. He said that some of PAL's Board members and residents wished to address the Council about being left out of the endowment gift this year.

Mayor Truex asked if anyone wished to speak on this issue.

Donna Evans, secretary of the Davie PAL, described the additional services they were providing and asked why they had been left out of the endowment gift.

Damiano Pignato advised that the children in District 1 did not have the ability to travel to other facilities. He said that these children must have the opportunity to experience organized sports to teach them self-discipline and respect for authority. Mr. Pignato stated that the PAL needed the Town's help.

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Jennifer Williams, founder and leader of Boy Scout Pack 493, thanked the Davie PAL for allowing them to use their facility and to participate in their events. She said that any help the Town could give the program would really make a difference.

Paula Molière stated that her children went to the PAL for afterschool care. She noted how wonderful the facility was for the community and felt the PAL should be treated equally to other facilities in Town.

Ms. Brunetti, representing Family of Humanity, said her organization provided social skills and art and creativity classes for kids at the PAL. She distributed newsletters describing the program, and advised that the program had grown. Ms. Brunetti stated that they needed more funding to be able to serve more children.

Justin Montgomery indicated that PAL had done great things for him and for his family.

Mayor Truex was sure everyone agreed that all citizens must be treated equitably and advised that this was not just a matter of writing a check to PAL. He acknowledged that the PAL had experienced management and accountability issues. Mayor Truex pointed out that the PAL was not the only group using that building and providing services to families. He felt that some issues must be resolved and indicated that he had already agreed to meet with members from the PAL administration.

Councilmember Starkey stated that she had not seen a consistent police volunteer presence at the PAL, which frustrated her. She thought the request for \$450,000 had been a joke, but noted that it included retroactive pay for years that the PAL had not received funds. Councilmember Starkey said that if the Town could not get the police presence to interact with the kids, Parks and Recreation should take over the program.

Councilmember Luis advised that he had been impressed when he visited PAL and thought the program was very important to the Town.

Councilmember Crowley asked Vice-Mayor Caletka to make a specific proposal and to find justification in the budget for a contribution to PAL.

Vice-Mayor Caletka said he wanted this on the agenda to demonstrate that there was a need. He agreed to take a leading role in this issue and to develop an agreement with the PAL administration to bring back to Council.

Mayor Truex requested the PAL's financials. Councilmember Crowley also requested a breakdown of the Town's contributions to PAL in the past and the facility's operating costs.

8.2 Open Space Advisory Committee

Earlier in the meeting, Don Burgess, Land Preservation Administrator of Broward County, advised that the Land Use Subcommittee of the Broward County Charter Review Commission was proposing language for additional restrictions on the use and/or sale of County owned properties, and distributed a document describing this. He said there would be a meeting of the Open Space Advisory Committee on September 24th, where they could prepare a proposal for Council and/or the Town's Charter Review Board.

Councilmember Starkey supported the changes and wanted to add language to limit the expansion of maintenance equipment storage.

Jamie Peralta, representing the Broward County Parks Division, reported that they were building a storage facility in Tree Tops Park for the maintenance equipment. Councilmember Starkey said, "absolutely not" and wanted language added that this would not be a maintenance facility for the entire County. Mr. Peralta said this was a replacement for an existing storage building. Mr. Kutney confirmed that this would probably require site plan modification. Mayor Truex asked that someone from staff meet with County representatives to find out exactly what this would entail.

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Council agreed with the language Mr. Burgess had suggested and asked that the Open Space Advisory Committee make a recommendation to the Town's Charter Review Board regarding this as well. Mayor Truex wanted to consider something to protect the Town's parks as well, and Council agreed. Mr. Burgess agreed to create a proposal to submit to the Charter Review Board.

Councilmember Starkey made a motion, seconded by Mayor Truex, to support the document as submitted, to support the County's criteria for their Charter review, and to put this on a future agenda by resolution. In a voice vote, all voted in favor. (Motion carried 5-0)

8.3 Davie Town Center

Earlier in the meeting, Vice-Mayor Caletka feared that if the Town told the developer that the Town may consider four stories in the future, Council may be vesting rights in the property without the developer's going through the proper channels. Mr. Cohen advised that the developer wanted to make a presentation at the October 3rd meeting.

Mayor Truex recommended that the developer come in now to avoid going through the entire process only to be denied at the end.

Councilmember Starkey felt inviting the developers to present at a Council meeting was jumping the gun as Council usually allowed developers to meet with the community first.

Mr. Rayson confirmed that allowing the developer to present a project to Council would not vest any rights on the property.

Redevelopment Administrator Will Allen advised that this issue was in the conceptual stages at the Community Redevelopment Agency's level.

Council agreed this would not be put on the Town Council's agenda.

9. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER STARKEY

OLD DAVIE SCHOOL. Councilmember Starkey asked that any future programming and/or advertising for the Old Davie School include the Town's seal.

PROJECT STATUS. Councilmember Starkey was still awaiting a status report on projects mentioned earlier and asked what the delay was on the Van Kirk parcel. Mr. Cohen said the FP&L easement issue was almost resolved and when it was, staff would present the easement resolution to Council with a contract amendment that would resolve the fill issue. He hoped this would happen within the next 30 days

TRESPASSING PROBLEM. Councilmember Starkey was concerned about the trespassing/dirt biking problem on a property on Hiatus Road. Mr. Cohen explained that the fence issue would be addressed at the Special Master proceedings. He explained the physical difficulties with towing vehicles off the property and agreed to discuss enforcement with Police Chief John George.

AIRPORT NOISE CONTOURS. Councilmember Starkey stated that the noise contours they had been presented recently were exactly the same contours they had seen in May. She remembered that they had withdrawn the Traffic Oriented Corridor item from the County Commission's agenda because of this. Mr. Cohen stated this item had been deferred, not withdrawn, and the timeframe would have no effect on development in the area. He said that the most pressing issue now was the water situation, which would not be resolved until approximately 2010.

Councilmember Starkey wanted to move the Traffic Oriented Corridor item forward to the County Commission. Mr. Cohen said staff would rather defer this item to see if they could work on the noise contours.

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**10. TOWN ADMINISTRATOR'S COMMENTS
COUNCILMEMBER CROWLEY**

TIJUANA TAXI COMPLAINT. Councilmember Crowley presented a an email from a resident living behind Tijuana Taxi voicing concerns. The owner said he had sent two previous emails but had received no response as yet. Mayor Truex advised that he had spoken with this resident and suggested he come in and address Council during open public meeting. Mr. Kutney advised that Mr. Stallone had spoken to the resident, who objected to the variance granted by Council. Mr. Kutney stated that staff would make no decision that would affect a decision already made by Council.

CITIZEN AVAILABLE TO SERVE. Councilmember Crowley submitted the name of a resident in District 2 who was willing to serve on a committee.

VICE MAYOR CALETKA

AIRPORT ISSUES. Vice-Mayor Caletka referred to a newspaper article regarding a proposal for a center runway. He said this had been discussed at an August County Commission meeting and he asked staff to request minutes from that meeting. Vice-Mayor Caletka stated that this proposal would be disastrous for Davie residents.

CRIME INCREASE AT PLAYLAND VILLAGE. Vice-Mayor Caletka remarked on the significant increase in crime at Playland Village in the past three months. He said that Chief George had advised him that the police presence would increase in this area.

David Kaplan described the activities going on in the neighborhood: trash problems, loitering, drug activity and said that the police were aware of this activity. He advised that he was on his townhouse board and they had also received complaints about this.

Chief George advised that he had discussed stepping up patrols with the patrol commander in this area. He agreed the problem had increased recently and said they were working on it.

MAYOR TRUEX

FDOT I-75 STUDY. Mayor Truex reported that FDOT had the kickoff for their study of the I-75 corridor the previous evening. He got the impression from FDOT that the Ivanhoe sound wall would be built, but they did not know when.

10. TOWN ADMINISTRATOR'S COMMENTS

ABSENCE. Mr. Shimun requested to be excused from Council's October 17th meeting because his son was graduating from US Army infantry school in South Carolina, which he wished to attend. Council agreed.

11. TOWN ATTORNEY'S COMMENTS

SPECIAL EXECUTIVE SESSION. Mr. Rayson requested a closed executive session prior to their next meeting October 3rd for Council to advise him regarding some developments in litigation. Council agreed to meet at 6:00 p.m. on October 3rd.

ATTORNEY UPDATES. Regarding the updates requested by Councilmember Starkey at the previous meeting, Mr. Rayson feared there could be a conflict with lawyer/client confidentiality, since their meetings were governed by the Sunshine Law. Councilmember Starkey responded that previous attorneys had been doing this in a way that would not compromise attorney/client confidentiality.

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12. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:54 p.m.

Approved _____

Mayor/Councilmember

Town Clerk